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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
09/980,260	11/01/2001	Toshihiro Tomita	791 169 1318		
75	90 06/29/2004		EXAMINER		
Stephen P Burr			ILDEBRANDO, CHRISTINA A		
Burr & Brown					
PO Box 7068			ART UNIT	PAPER NUMBER	
Syracuse, NY 13261-7068			1725		

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

. 4	Applica	ation No.	Applicant(s)				
	09/980	,260	TOMITA ET AL.				
Office Action Summary	Examir	ner	Art Unit				
		a Ildebrando	1725				
The MAILING DATE of this comm Period for Reply	nunication appears on	the cover sheet with the o	correspondence ad	Idress			
A SHORTENED STATUTORY PERIOR THE MAILING DATE OF THIS COMM  - Extensions of time may be available under the proving after SIX (6) MONTHS from the mailing date of this of the period for reply specified above is less than this of the period for reply is specified above, the maximum. Failure to reply within the set or extended period for Any reply received by the Office later than three more earned patent term adjustment. See 37 CFR 1.704(	UNICATION. sions of 37 CFR 1.136(a). In no communication. rty (30) days, a reply within the m statutory period will apply an reply will, by statute, cause the oths after the mailing date of this	event, however, may a reply be tile statutory minimum of thirty (30) day d will expire SIX (6) MONTHS from application to become ABANDONI	mely filed ys will be considered time n the mailing date of this of ED (35 U.S.C. § 133).	ly. communication.			
Status							
1) Responsive to communication(s	filed on <u>01 Novembe</u>	<u>r 2001</u> .					
2a) This action is <b>FINAL</b> .	2b)⊠ This action i						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) ⊠ Claim(s) <u>25-48</u> is/are pending in 4a) Of the above claim(s)  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to 8) ⊠ Claim(s) <u>25-48</u> are subject to res	is/are withdrawn from o.						
Application Papers							
9) The specification is objected to b 10) The drawing(s) filed on is/ Applicant may not request that any Replacement drawing sheet(s) inclu 11) The oath or declaration is objected	are: a) accepted or objection to the drawing or other areas and the correction is reconstruction.	s) be held in abeyance. Sequired if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 C				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a cl a) All b) Some come come of the price 1. Certified copies of the price 2. Certified copies of the price 3. Copies of the certified copies of the price copies of the certified copies of the price copies of the certified copies of the price copies of the price copies of the certified copies of the price copies of the certified copies o	of: ority documents have lority documents have lotes ories of the priority documents have lotes and local the priority documents are the priority documents.	peen received. peen received in Applica uments have been receiv Rule 17.2(a)).	ition Noved in this Nationa	ıl Stage			
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Revi  3) Information Disclosure Statement(s) (PTO-14 Paper No(s)/Mail Date		4) Interview Summal Paper No(s)/Mail 5) Notice of Informal 6) Other:	Date	ГО-152)			

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 25-28, drawn to a porous shaped zeolite having TPA/SiO $_2$  of 0.015-0.08 or TPA/SiO $_2$  of 0.02-0.12.

Group II, claim(s) 29, 30, 45-48, drawn a method for producing a zeolite layered composite, wherein TPA/SiO<sub>2</sub> is 0.015-0.08.

Group III, claim(s) 31-33, drawn to a zeolite (zeolite I) having properties such as particle of 1 mm or larger, bending strength, etc.

Group IV, claim(s) 34, drawn to a method for producing a zeolite shaped body using TPAOH and TPABr in particular mixing ratios.

Group V, claim(s) 35, drawn to a method for producing a zeolite shaped body using TPAOH alone.

Group VI, claim(s) 36 and 38, drawn to a method for producing a zeolite membrane using TPAOH and TPABr in particular mixing ratios.

Group VII, claim(s) 37 and 39, drawn to drawn to a method for producing a zeolite membrane using TPAOH alone.

Group VIII, claim(s) 40-42, drawn to a zeolite (zeolite II) having particular properties, i.e. grain boundary, etc.

Group IX, claim(s) 43-44, drawn to a method for producing a zeolite shaped body wherein TPA/SiO<sub>2</sub> is 0.015-0.08.

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- 2. The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature which links the groups of I-IX is the use of a crystalline zeolite formed from silica and TPAOH. This special technical feature does not define a contribution over the prior art as evidenced by any of US 6,063,723 or US 5,772,980 or US 5,549,881 or US 5,413,975 or US 4,387,258. Because the special technical feature does not distinguish over the prior art, unity of invention is lacking and restriction between the groups is proper.
- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina IIdebrando whose telephone number is (571) 272-1176. The examiner can normally be reached on Monday-Friday, 7:30-5, with Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christina Ildebrando
Patent Examiner
Art Unit 1725

CAI June 25, 2004